

DRIVING FORWARD PROFESSIONAL  
STANDARDS FOR TEACHERS



## The General Teaching Council for Scotland Registration and Standards Rules 2011

These Rules are available in alternative formats on request

Draft September 2010



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# **1 General**

## **1.1 Reference, Commencement and Purpose**

These Rules may be referred to as the General Teaching Council for Scotland Registration and Standards Rules 2011 (Rules) and will come into force on [#### 2011].

These Rules are made by GTC Scotland in accordance with The Public Services Reform (General Teaching Council for Scotland) Order 2011 and its statutory function to establish and keep a register (the Register) of those persons registered with it (the Registrants) and its statutory duty to maintain and develop the professional standards of its Registrants.

The GTC Scotland Teachers' Registration (Scotland) Rules 2007, Provisional Registration and Probationary Service Rules 2007, Statement of Principles and Practice Governing Professional Recognition/Registration for Fully Registered Teachers and Statement of Principles and Practice Governing Registration relating to Service Provision on a Temporary and Occasional Basis are revoked by these Rules.

## **1.2 Interpretation**

Unless the context otherwise requires, any reference in these Rules to legislation, rules, standards, processes, publications, schemes, panels, or committees will be construed as a reference to such legislation, rule, standard, process, publication, scheme, panel, or committee as may be supplemented, amended, substituted, re-named or replaced from time to time.

Any reference in these Rules to "days" will be construed as meaning calendar days.

Unless otherwise stated, any reference to a named, or defined committee, sub-committee, panel, or set of rules, means a GTC Scotland committee, GTC Scotland sub-committee, GTC Scotland panel, or set of GTC Scotland rules. Any reference to "panel" means any GTC Scotland sub-committee, committee, or panel that is required to adjudicate cases in terms of these Rules.

These Rules will be construed and applied in accordance with GTC Scotland's obligations under the Human Rights Act 1998 and Data Protection Act 1998, as well as any other relevant legislation that may be enacted from time to time.

## **1.3 Application of these Rules**

These Rules will apply to any application or case initiated after the coming into force of these Rules.

Rules 2, 3 and 5 do not apply to any person from a relevant European state who is entitled to rely upon the provisions set out in The European Communities (Recognition of Professional Qualifications) Regulations 2007 to gain admission to the Register.

GTC Scotland or any of its appropriate committees or panels may relieve any party from the consequences of a failure to comply with a provision in these Rules where there is just cause to do so (for example, where it is shown to be due to a mistake or oversight) on such conditions, if any, as GTC Scotland thinks fit. In no event will this, or any delay or neglect in GTC Scotland enforcing (in whole or in part) any provision of these Rules, be or be deemed to be a waiver of that (or any other) provision.

For the avoidance of doubt, any determination that an applicant to the Register is unfit to teach on character or conduct related grounds and is therefore to be refused registration will be subject to GTC Scotland's professional fitness to teach adjudication process and the separate GTC Scotland rules governing that process.

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## 2 Application for Registration

- 2.1** This Rule applies to applications for registration in part or parts of the Register where the type of registration sought has not been granted to the applicant previously and where the applicant has not been subject to a GTC Scotland ruling which has led to his/her removal from the Register. Where the particular registration sought has been granted to the applicant previously or where the applicant is seeking restoration to the Register following any such ruling, the application is for “re-registration” and Rule 3 below applies instead.
- 2.2** An application for registration must be made in the form and manner prescribed by GTC Scotland at that time for the particular application type and must be accompanied by the application processing fee.
- 2.3** An application must be for registration within part or parts of the Register in which GTC Scotland currently offers registration. As part of such an application, the applicant must provide, to the satisfaction of GTC Scotland and in such form as it may specify:
- (a) reference(s) as to good character;
  - (b) details of any criminal conviction, caution, penalty order or determination made against the applicant, details of any pending investigation or investigations that may lead to such a conviction, caution, penalty, order or determination as well as any reports that may have been made by any police (or similar) authority as part of any applicable disclosure or vetting scheme;
  - (c) details of any disciplinary action taken (or pending) against the applicant by any employer or any other professional regulatory body and/or any reports that may have been made by such bodies (or any others) as part of any applicable disclosure or vetting scheme;
  - (d) certificates of qualifications, documents or other information to evidence the qualification(s) on which reliance is being placed in order to seek registration; and
  - (e) any other documents, information or evidence as GTC Scotland may reasonably require for the purposes of determining the application.

GTC Scotland may, for the purposes of determining the application, and acting reasonably, seek information additional to that provided by the applicant from any other person or source.

### Provisional Registration

- 2.4** GTC Scotland will grant provisional registration or provisional (conditional) registration in the part or parts of the Register to which an application relates provided that:
- (a) it is satisfied as to the applicant's good character and conduct in terms of his/her fitness to teach;
  - (b) it is satisfied that the applicant is a member of, or is approved in terms of, such disclosure or vetting scheme as may be in place in Scotland in order to protect children and vulnerable groups;
  - (c) it is satisfied that the applicant has either:
    - (i) successfully completed an initial teacher education programme in Scotland in relation to the part or parts of the Register to which the application relates; OR
    - (ii) achieved the Standard for Full Registration in a part of the Register, has full and current registration with GTC Scotland for that part which has been held for a

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continuous period of not less than two years and the application is for registration in an additional subject and/or sector;

met the academic requirements published in the Memorandum on Entry Requirements for Courses of Initial Teacher Education in Scotland relevant to the additional subject and/or sector; and

been recommended for registration in the additional subject and/or sector by a headteacher, principal or other GTC Scotland approved individual; OR

- (iii) evidenced that they have completed a period of education similar or equivalent to the initial teacher education programme in Scotland in relation to the part or parts of the Register to which the application relates in accordance with GTC Scotland's Statement of Registration Principles relating to applicants that have qualified as teachers outside Scotland; and

where the application relates to teaching a modern foreign language, met the residency requirements published in the Memorandum on Entry Requirements for Courses of Initial Teacher Education in relation to that modern foreign language; OR

- (iv) met all but the academic requirements set out a paragraph (iii) above and agreed to accept a condition on his/her provisional registration that they will satisfy those academic requirements within the period of time specified by GTC Scotland; and

- (d) it has received payment of the registration fee set by GTC Scotland.

### **Full Registration**

**2.5** GTC Scotland will grant full registration in the part or parts of the Register to which an application relates provided that it is satisfied that:

- (a) the requirements listed at Rules 2.4(a), (b) and (d) above are met at the time of application for full registration;
- (b) where the applicant holds provisional (conditional) registration, the condition(s) applicable has (or have) been discharged;
- (c) in relation to the part or parts of the Register to which full registration would relate, the applicant has either:

- (i) successfully completed the required period of probation (including any extension of that period);

been recommended for full registration in accordance with GTC Scotland's current probationary service policy;

achieved the Standard for Full Registration; and

where the application relates to teaching a modern foreign language, met the residency requirements published in the Memorandum on Entry Requirements for Courses of Initial Teacher Education in relation to that modern foreign language; OR

- (ii) achieved the Standard for Full Registration, as evidenced by his/her education, training and experience in terms of GTC Scotland's Statement of Registration Principles and Practice relating to applicants that have qualified as teachers outside Scotland; and

where the application relates to teaching a modern foreign language, met the residency requirements published in the Memorandum on Entry Requirements for Courses of Initial Teacher Education in relation to that modern foreign language; OR

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- (iii) achieved and maintained the Standard for Full Registration in a part of the Register, has full and current registration with GTC Scotland for that part which has been held for a continuous period of not less than two years;

met the requirements published in the Memorandum on Entry Requirements for Courses of Initial Teacher Education in Scotland relevant to the additional subject and/or sector;

been recommended for full registration in the additional subject and/or sector by a headteacher, principal or other GTC Scotland approved individual in accordance with the GTC Scotland Framework for Professional Registration; and

achieved the Standard for Full Registration in the additional subject and/or sector.

The “Standard for Full Registration” means the standard prescribed and published by GTC Scotland that sets the professional requirements that a teacher must demonstrate and maintain in order to become fully registered.

### **3 Application for Re-Registration**

- 3.1** This Rule applies to applicants who are applying for re-registration (including those who are seeking restoration to any part of the Register following their removal by order of the Disciplinary Sub-Committee or Professional Standards Panel).
- 3.2** An application for re-registration must be made in the form and manner prescribed by GTC Scotland at that time for the particular application type and must be accompanied by the application processing fee.
- 3.3** As part of an application for re- registration, the applicant must meet all of the requirements set out at Rule 2.3 above.
- 3.4** GTC Scotland will grant an application for re-registration provided that:
  - (a) it is satisfied that the applicant was previously registered with GTC Scotland in relation to the part or parts of the Register where re-registration is sought;
  - (b) it is satisfied that the requirements listed at Rules 2.4(a), (b) and (d) above are met at the time of application for re-registration;
  - (c) where a ruling of the Professional Standards Panel has been made in relation to the applicant which has led to his/her removal from the Register, GTC Scotland is satisfied that such registration does not conflict with the ruling made, that it should be restored and that Rule 3.5 below has been met; and
  - (d) where a ruling of the Disciplinary Sub-Committee has been made in relation to the applicant which has led to his/her removal from the Register, GTC Scotland is satisfied that such registration does not conflict with the ruling made, that it should be restored (taking into account the public interest) and that Rule 3.6 below has been met.
- 3.5** Where a ruling of the Professional Standards Panel has been made in relation to an applicant which has led to his/her removal from the Register, up to two applications for restoration to the Register may be made provided that a minimum period of 2 years has passed from the date of removal. Any such application will be considered and determined by the Professional Standards Panel in accordance with the procedures set out in Schedule 2.
- 3.6** Where a ruling of the Disciplinary Sub-Committee has been made in relation to an applicant which has led to his/her removal from the Register, an application seeking restoration to the Register will require to satisfy any relevant requirements set out in the Disciplinary Rules and the application will be considered and determined in accordance with those same rules.



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## 4 Probationary Service

Where provisional or provisional (conditional) registration is granted or restored, the Registrant will remain provisionally registered until they are either (i) granted full registration in accordance with Rule 2.5 above; or (ii) removed from the Register in terms of Rule 11.4 below.

Provisional registrants will require to successfully complete a period of probationary service in accordance with GTC Scotland's prescribed policy and guidance in order to become eligible for full registration and be considered in terms of Rule 2.5 above.

The period of probationary service that will require to be completed will be determined in accordance with GTC Scotland's current probationary service policy and may subsequently be extended in accordance with that same policy.

## 5 Repeat Registration Applications

Where an applicant does not fall under the terms of Rule 3.5 or 3.6 above and has made an unsuccessful application for registration or re-registration in respect of part or parts of the Register, GTC Scotland will not consider any further applications from that applicant in respect of that same part or parts of the Register until the expiry of a minimum of two years from the date of that unsuccessful application unless, in the opinion of GTC Scotland, acting reasonably, there has been a material change in circumstances.

## 6 The European Communities (Recognition of Professional Qualifications) Regulations 2007

**6.1** GTC Scotland will grant full registration in the appropriate part or parts of the Register to any person from a relevant European state who is entitled to rely upon the provisions set out in The European Communities (Recognition of Professional Qualifications) Regulations 2007 (the Regulations) provided that a declaration in the form and manner prescribed by GTC Scotland at that time has been provided by such a person and it is satisfied that:

- (a) the person's nationality or legal establishment entitle them to be so admitted in terms of the Regulations;
- (b) the person is legally established as a teacher in a relevant European state and is not prohibited from practising as a teacher (even temporarily) in that state;
- (c) attestations of competence or evidence of formal professional teaching qualifications have been received that:
  - (i) are issued by a competent authority (as defined by the Regulations);
  - (ii) attest that a level of professional qualification has been achieved at least to the level immediately prior to that required by GTC Scotland; and
  - (iii) attest that the person has been prepared for the pursuit of the teaching profession;
- (d) the person is of good character and conduct in terms of his/her fitness to teach and has disclosed:
  - (i) details of any criminal conviction, caution, penalty order or determination made against them as well as details of any pending investigation or investigations that may lead to such a conviction, caution, penalty, order or determination; and

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- (ii) details of any disciplinary action taken (or pending) against them by any employer or any other professional regulatory body;
  - (e) the person is a member of, or is approved in terms of, such disclosure or vetting scheme as may be in place in Scotland in order to protect children and vulnerable groups; and
  - (f) the person does not require to complete an adaptation period.

Where GTC Scotland determines that all but the last of the above requirements have been satisfied, GTC Scotland will grant provisional registration in the appropriate part or parts of the Register. The adaptation period that requires to be completed will be administered by GTC Scotland in the same way as a period of probation and will be subject to Rule 4 above.

**6.2** GTC Scotland will grant temporary registration in the appropriate part or parts of the Register to any temporary service provider from a relevant European state who is entitled to rely upon the provisions set out in the Regulations provided that a declaration in the form and manner prescribed by GTC Scotland at that time has been provided by such a person and it is satisfied that:

- (a) the person's nationality or legal establishment entitle them to be so admitted in terms of the Regulations;
- (b) the person is legally established as a teacher in a European member state and is not prohibited from practising as a teacher (even temporarily) in that member state;
- (c) attestations of competence or evidence of formal professional teaching qualifications have been received that:
  - (i) are issued by a competent authority (as defined by the Regulations);
  - (ii) attest that a level of professional qualification has been achieved at least to the level immediately prior to that required by GTC Scotland; and
  - (iii) attest that the person has been prepared for the pursuit of the teaching profession;
- (d) the person is of good character and conduct and has disclosed:
  - (i) details of any criminal conviction, caution, penalty order or determination made against them as well as details of any pending investigation or investigations that may lead to such a conviction, caution, penalty, order or determination; and
  - (ii) details of any disciplinary action taken (or pending) against them by any employer or any other professional regulatory body; and
- (e) the person is a member of, and/or is approved in terms of, such disclosure or vetting scheme as may be in place in Scotland in order to protect children and vulnerable groups.

The duration of any such temporary registration will be not more than 12 months but may be renewed on application.

## **7 Professional Standards and Awards**

### **7.1 Chartered Teacher**

- (a) An application for the professional award of the Standard for Chartered Teacher must be made in the form and manner prescribed by GTC Scotland at that time.

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- (b) As part of such an application, the applicant must provide, to GTC Scotland's satisfaction and in such form as it may specify:
- (i) certificates of award (or similar) in order to evidence successful completion of the required Chartered Teacher programme modules; and
  - (ii) any other documents, information or evidence as GTC Scotland may reasonably require for the purposes of determining the application.

GTC Scotland may, for the purposes of determining the application, and acting reasonably, seek information additional to that provided by the applicant from any other person or source.

- (c) GTC Scotland will grant the professional award of the Standard for Chartered Teacher provided that:
- (i) the applicant holds full and current registration with GTC Scotland;
  - (ii) it is satisfied that the applicant has been certified as eligible to undertake the Chartered Teacher programme and has remained so eligible, has successfully completed the required Chartered Teacher programme modules (as prescribed by GTC Scotland in relevant guidance material) and has achieved and maintained the Standard for Chartered Teacher;
  - (iii) [it has received payment of any award fee, as set by GTC Scotland;]
  - (iv) the applicant has not been subject to an order of the Disciplinary Sub-Committee that is still current and there are no unresolved (or pending) complaints relating to the applicant that are (or will likely be) subject to GTC Scotland's professional fitness to teach process; and
  - (v) it is satisfied that the applicant is a member of, or is approved in terms of, such disclosure or vetting scheme as may be in place in Scotland in order to protect children and vulnerable groups.

The "Standard for Chartered Teacher" means the standard prescribed and published by GTC Scotland that sets the requirements that a teacher must demonstrate and maintain in order to gain the professional award of the Standard for Chartered Teacher.

## **7.2 Standard for Headship**

- (a) An application for the professional award of the Standard for Headship must be made in the form and manner prescribed by GTC Scotland at that time.
- (b) As part of such an application, the applicant must provide, to GTC Scotland's satisfaction:
  - (i) a certificate of award (or similar) in order to evidence achievement of the Scottish Qualification for Headship; and
  - (ii) any other documents, information or evidence as GTC Scotland may reasonably require for the purposes of determining the application.
- (c) GTC Scotland will grant the professional award of the Standard for Headship provided that:
  - (i) the applicant holds full and current registration with GTC Scotland;
  - (ii) [it has received payment of any award fee, as set by GTC Scotland;]
  - (iii) the applicant has not been subject to an order of the Disciplinary Sub-Committee that is still current and there are no unresolved (or pending) complaints relating to the

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applicant that are (or will likely be) subject to GTC Scotland's professional fitness to teach process;

- (iv) it is satisfied that the applicant is a member of, or is approved in terms of, such disclosure or vetting scheme as may be in place in Scotland in order to protect children and vulnerable groups;

- (v) it is satisfied that either the applicant:

has successfully completed the Scottish Qualification for Headship with an approved institution and has therefore achieved the Standard for Headship; OR

in accordance with any relevant GTC Scotland guidance material,

has evidenced appropriate professional learning and development, has been recommended for the Standard for Headship by a person (or organisation) approved by GTC Scotland; and

has successfully completed GTC Scotland's Standard for Headship professional interview which has determined that the Standard for Headship has been achieved.

The "Standard for Headship" means the standard prescribed and published by GTC Scotland that sets the professional requirements that an applicant must demonstrate and maintain in order to gain the professional award of the Standard for Headship.

### **7.3 Professional Recognition**

An application for a professional recognition award must be made in the form and manner prescribed by GTC Scotland at that time.

- (a) As part of such an application, the applicant must provide, to GTC Scotland's satisfaction, any documents, information or evidence as GTC Scotland may reasonably require for the purposes of determining the application.

GTC Scotland may, for the purposes of determining the application, and acting reasonably, seek information additional to that provided by the applicant from any other person or source.

GTC Scotland will grant a professional recognition award provided that:

- (i) the applicant holds full and current registration with it;
- (ii) the applicant has been recommended for the award of professional recognition in accordance with the relevant GTC Scotland Framework for Professional Recognition;
- (iii) it is satisfied that the applicant has demonstrated the knowledge and experience to merit the award of professional recognition in accordance with the relevant GTC Scotland Professional Recognition Framework;
- (iv) [it has received payment of any award fee, as set by GTC Scotland;]
- (v) the applicant has not been subject to an order of the Disciplinary Sub-Committee that is still current and there are no unresolved (or pending) complaints relating to the applicant that are (or will likely be) subject to GTC Scotland's professional fitness to teach process;
- (vi) it is satisfied that the applicant is a member of such disclosure or vetting scheme as may be in place in Scotland in order to protect children and/or vulnerable groups.

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Five years from the date that any professional recognition award has been granted (and at the end of each renewal period that may fall after that), GTC Scotland will consider whether the Registrant has maintained his/her knowledge and expertise in order to continue to merit the award of professional recognition in terms of the relevant GTC Scotland Framework for Professional Recognition. Should GTC Scotland decide that the Registrant has not so maintained his/her knowledge and expertise, the award of professional recognition will be cancelled and notice will be provided to the Registrant accordingly. The notice will set out reasons for the decision made.

## **8 Notice of Decisions**

GTC Scotland registration and standards decisions will be provided by written notice. Where the decision is to refuse the registration sought (whether in whole or in part) or to refuse to award a standard, the notice will set out reasons for the refusal decision as well as any right to request a review of it in terms of Rule 9 below.

## **9 Right of Review**

Where GTC Scotland has:

- (a) refused to grant the particular registration or registrations sought;
- (b) removed an individual from the Register in terms of Rule 11.4(c);
- (c) received a recommendation from a Registrant's employer that his/her period of probationary service should be extended;
- (d) refused to make an award of Professional Recognition or cancelled any such award in terms of Rule 7.3 above; or
- (e) refused to make an award of the Standard for Chartered Teacher or Standard for Headship,

the applicant or Registrant may, subject to the terms of these Rules, within 28 days from the date of service of notice of any such decision or recommendation, send to GTC Scotland a written request for that recommendation or decision to be reviewed. The written request must set out reasons in support of it in order for it to be considered.

Any request for review made under (d) or (e) above may only be made, and will only be considered, where there are grounds for the decision to be reviewed in terms of GTC Scotland having either:

- failed to act in accordance with these Rules; or
- made a material error in law or in fact,

that has had a significant impact on the decision made.

Any review request will be considered in accordance with the procedures set out in Schedule 2.

If no such request is made, the decision will stand and be considered final or, in the case of paragraph (c) above, the period of probationary service required by GTC Scotland will be extended in accordance with the recommendation made.

Where GTC Scotland has received a recommendation that provisional registration should be cancelled, the recommendation will automatically be reviewed and considered in accordance with the procedures set out in Schedule 2.

## **10 Certificates**

GTC Scotland may issue, in a form and manner determined by it, certificate(s) of registration and a certificate of the award of any standard to a Registrant. Upon request, duplicates of such

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certificate(s) may also be issued to a Registrant. GTC Scotland will prescribe separately any fee that must be paid in connection with the issuance of any such certificate or duplicate.

Any certificate issued will remain the property of GTC Scotland and will be returned to GTC Scotland if a Registrant's name is removed from the Register or if the certificate no longer accurately reflects a Registrant's entry on the Register.

## **11 The Register**

### **11.1 The Form of the Register**

The Register will contain the information set out in Schedule 1 in respect of each Registrant and any other information which is material to his/her registration.

A Registrant will be entered on the Register in order to reflect the registration that has been granted to him/her. Register entries may be organised into such categories or parts as GTC Scotland reasonably sees fit.

### **11.2 Access to the Register**

The information contained in the Register that is set out in Part A of Schedule 1 may be accessed by the public and will be published on GTC Scotland's website.

Access to the information contained in the Register that is set out in Part B of Schedule 1 will be restricted and access will only be provided in accordance with the requirements of the Data Protection Act 1998.

### **11.3 The Keeping of the Register**

The Register will be kept securely and in a manner which guards against falsification.

The Registrant must notify GTC Scotland of any change in name or contact address as soon as possible and at least within 3 months of that change. A Registrant must notify GTC Scotland as soon as reasonably possible on identifying any other changes to, or errors in, the Schedule 1 registration information held in relation to them. GTC Scotland may make further enquiries or require further evidence in respect of any such notified change as appears appropriate.

The Register will be amended to reflect any information which requires an amendment to be made in order to maintain the Register's accuracy. This will include giving effect to any order made by the Investigating Sub-Committee, Disciplinary Sub-Committee, Appeals Board or Professional Standards Panel.

### **11.4 Removal from the Register and Reinstatement**

- (a) A Registrant will remain on the Register unless and until GTC Scotland either receives notice of his/her death or he/she is removed in terms of paragraphs (b), (c), (d) or (e) below.
- (b) Provided that GTC Scotland is satisfied that there are no unresolved (or pending) complaints relating to the Registrant that are (or will likely be) subject to its professional fitness to teach process, where a Registrant has requested in writing that they be removed from the Register in such form as GTC Scotland may specify, GTC Scotland will so remove them as soon as reasonably practicable.

Where there is an unresolved (or pending) complaint relating to the Registrant that is (or will likely be) subject to GTC Scotland's professional fitness to teach process, the Registrant will be retained on the Register to the extent required for that process to be concluded.

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- (c) Provided that GTC Scotland is satisfied that there are no unresolved (or pending) complaints relating to the Registrant that are (or will likely be) subject to its professional fitness to teach process, a Registrant's name may be removed from the Register by GTC Scotland at such time as it sees fit where they:
- (i) have failed to pay registration fees due to GTC Scotland;
  - (ii) have failed to notify GTC Scotland within 3 months of any change in their name or contact address without just cause; or
  - (iii) hold provisional or provisional (conditional) registration and have not gained full registration within GTC Scotland's prescribed time limit.

Where there is an unresolved (or pending) complaint relating to the Registrant that is (or will likely be) subject to GTC Scotland's professional fitness to teach process, the Registrant will be retained on the Register to the extent required for that process to be concluded.

- (d) A Registrant's name will immediately be removed from the Register on GTC Scotland receiving notice that the Registrant is barred from regulated work with children in terms of the Protection of Vulnerable Groups (Scotland) Act 2007 (and any related legislation).
- (e) A Registrant's name may be removed from the Register by order of:
- (i) the Disciplinary Sub-Committee (in accordance with the rules and process applicable to it); or
  - (ii) the Professional Standards Panel where it determines (in accordance with these Rules) that provisional registration should be cancelled on the basis that it is unlikely that the Registrant concerned will achieve the Standard for Full Registration.

Where such an order is made, a note will be made on the Register to disclose the removal and the reasons for that removal.

- (f) Where a complaint that relates to a person's activities while they were included on the Register enters GTC Scotland's professional fitness to teach process within 2 years of his/her removal from the Register in terms of Rule 11.4 (b) or (c) above, GTC Scotland may reinstate that person to the Register in order (and to the extent) that the complaint may be duly processed in the public interest.
- (g) Where a Registrant is removed from the Register, GTC Scotland will notify any known employer of the removal and will explain the reason for the removal.

## **12 Fees**

### **12.1 Application Processing Fee**

The application processing fee will be prescribed and published by GTC Scotland separately. This fee is non-refundable, even where the application is ultimately refused.

### **12.2 Registration Fee**

The registration fee to be paid by an applicant in order to be entered on the Register and then annually thereafter in order to be retained on the Register, will be prescribed and published by GTC Scotland separately. Where the Registrant is registered in more than one part of the Register, the registration fee will be payable in respect of one part only.

The annual registration fee payment date will be prescribed and published by GTC Scotland separately. Once paid, the registration fee is non-refundable.

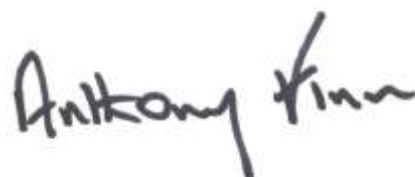
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### **12.3 Other Fees**

GTC Scotland may charge other fees in connection with the award of standards, certificates or other matters as it reasonably sees fit. Any such fees will be prescribed and published by GTC Scotland separately.

### **12.4 Waiver of Fees**

GTC Scotland may choose to waive any fees to be charged to a Registrant where that Registrant has been prevented from having his/her name removed from the Register (or has been reinstated to the Register) because there is an unresolved complaint relating to them that is subject to GTC Scotland's professional fitness to teach process.



**Convener**

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**A Finn  
Chief Executive**

**[#### 2010]**



## Schedule 1

### The Register - Registration Information

*Note: information is only held where it is relevant and applicable to the Registrant*

#### PART A

1	Full name
2	Gender
3	If employed as a teacher and notified, current employer details
4	GTC Scotland election voting category
5	Registration status

#### PART B

1	Any former name(s)
2	Registration number
3	Contact address
4	Contact telephone number
5	Date of birth
6	Contact electronic mail address
7	Dates of registration
8	Registration subject(s) and/or sector(s)
9	Qualification(s) which have led to registration [and, in relation to any initial or subsequent modern languages teaching qualification, the period of residency completed]
10	Registration fee payment status
11	Where notified, ability to teach in the Gaelic-medium
12	Where notified, denominational teaching status

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13	Where notified, details of the school/establishment at which employed
14	Details of progress and outcomes in relation to any period of probationary service
15	In relation to provisional (conditional) registration, the conditions applying and any time limits
16	Whether the Registrant is a "Temporary Service Provider" in terms of The European Communities (Recognition of Professional Qualifications) Regulations 2007
17	Details in relation to the achievement of any standards or the provision of any GTC Scotland awards (including Professional Recognition, Standard for Chartered Teacher and Standard for Headship)
18	<p>Professional fitness to teach/conviction information (or similar) and any disclosure/vetting information.</p> <p>Details of any order/measure imposed by GTC Scotland and details of any inclusion on a list disqualifying or prohibiting the Registrant from working with children.</p> <p>Details of any restriction, disciplinary order or reprimand for the time being in force in relation to the teacher as a result of disciplinary action taken by an equivalent teaching council or any other relevant authority with statutory, regulatory functions</p>
19	Where notified, whether the Registrant has retired (and whether this has been on ill-health grounds)

## Schedule 2

### Panel Procedures

#### 1 Objective

- 1.1 This Schedule 2 has the overriding objective of enabling panels to review cases raised in accordance with Rule 9 fairly and justly.
- 1.2 Dealing with a case fairly and justly includes dealing with the case in ways which:
  - (a) are proportionate to the complexity of the issues;
  - (b) seek informality and flexibility in proceedings;
  - (c) ensure that parties are able to participate fully in proceedings; and
  - (d) avoid delay, so far as compatible with the proper consideration of the issues.
- 1.3 Panels will give effect to this overriding objective when interpreting and applying this schedule.

#### 2 Notice

- 2.1 Notice will be provided to an applicant or Registrant (the “Respondent”) not less than 21 days before the date on which his/her case is to be considered. This notice period may be reduced (i) if the Respondent consents; or (ii) to 14 days if the Respondent is a participant in the Teacher Induction Scheme and has made a review request following the submission of his/her final profile.
- 2.2 The Notice will specify the date on which the case will be considered. If a hearing has been arranged, the Notice will also inform the Respondent:
  - (a) of the time and venue of the hearing;
  - (b) that they have the right to attend the hearing and be represented;
  - (c) that they have the right to make representations at the hearing; and
  - (d) of the right of the panel/committee to proceed in his/her absence.
- 2.3 Any Notice that requires to be served in terms of this Schedule 2 will be served either by:
  - (a) post in which delivery or receipt is recorded;
  - (b) hand delivery by or on behalf of GTC Scotland; or
  - (c) electronic mail to the address held by GTC Scotland for the Respondent.
- 2.4 Alternatively, if the Respondent is represented by a solicitor or trade union/defence organisation and has informed GTC Scotland that they may be used as an address for communications, the notice may be served instead to that party using any of the methods outlined above.
- 2.5 Notice will be taken to have been served on the day after posting, on the day of hand delivery or on the day of electronic mailing.
- 2.6 The service of the Notice may be proved by:
  - (a) confirmation of posting issued by or on behalf of the Post Office (or other postal operator or delivery service);
  - (b) a signed statement from any person serving the notice by hand or by electronic mail; or
  - (c) confirmation of receipt by (or on behalf of) the Respondent.
- 2.7 Where, before a hearing begins or at any stage of the hearing, it appears that the Notice is defective the panel will, on cause shown, allow the Notice to be amended. If the panel considers that the nature of the amendment is such as to require that the amended Notice should be re-served on the Respondent, it will so direct and the hearing shall be postponed or adjourned accordingly.

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- 2.8** A Respondent who appears at any hearing will not be entitled to state any objection to the regularity of the execution of service or intimation of the Notice on him or her, and his or her appearance will remedy any defect in such service, intimation or Notice.

### **3 Evidence**

- 3.1** The Respondent will require to submit any information that they wish the panel to consider no fewer than 14 days before the date on which his/her case is to be considered.
- 3.2** Copies of all of the information submitted to the panel that are to be considered by it as part of determining the case will be provided to the Respondent (and may also be provided to other parties concerned with the case) no fewer than 7 days before the date on which the case is to be considered.
- 3.3** The panel may admit and consider any information (oral, documentary or other) from any party that it considers relevant to its determination of the case. The panel may *itself* (acting through the Servicing Officer as is seen fit) ask any person to provide information that it considers relevant and may then admit and consider that information in determining the case.
- 3.4** The panel may admit and consider information where such information has not been disclosed in advance in accordance with the provisions set out above where either (i) the Respondent consents to this; or (ii) the panel is satisfied that the admission of the information is necessary to ensure the fairness of the proceedings and, where there is possible prejudice to the Respondent, that this is outweighed.
- 3.5** Where there is dispute as to any facts, these will be determined by the panel on the basis of the balance of probabilities with the burden of proof resting with the Respondent.

### **4 Consideration of Cases by Written Submission or Hearing**

- 4.1** Unless the panel determines that there are exceptional circumstances that mean a hearing should be arranged in a particular case, it will consider the following types of case by means of written submission:
- (a) a request for review of an application decision to grant provisional or provisional (conditional) registration as opposed to full registration;
  - (b) a request for review of a decision to remove an individual from the Register under Rule 11.4(c);
  - (c) a request for review of an application decision to grant registration in one subject, category or part of the Register but to refuse it in another;
  - (d) a request for review of an application decision to refuse registration on the basis that the academic and professional based qualifications criteria set out in the Statement of Registration Principles relating to applicants that have qualified as teachers outside Scotland have not been met; and
  - (e) a request for review of a decision made to refuse an award of Professional Recognition, or cancel such an award, under Rule 7.3.
- 4.2** Where a case does not fall to be considered by means of written submission in terms of the above, a hearing will be arranged and will be conducted in terms of paragraph 5 below.

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## **5 Hearing Proceedings**

- 5.1** Unless the Respondent requests that the hearing be held in public, the hearing will be conducted in private and no-one may be present save those concerned with the hearing, namely:
- (a) the members of the panel;
  - (b) the Respondent and/or representative;
  - (c) the Servicing Officer and other officer(s) of GTC Scotland;
  - (d) a Legal Assessor;
  - (e) a legal representative appointed by GTC Scotland;
  - (f) a shorthand writer and/or official note-taker appointed by GTC Scotland;
  - (g) an audio or video technician;
  - (h) a translator or interpreter; and
  - (i) such person(s) as may be asked or permitted to attend the hearing by the panel.
- 5.2** Where a hearing is held in public, the panel may, of its own volition or upon the application of any witness or party, determine that the public be excluded from all or part of the proceedings where they consider that this would cause no prejudice to the Respondent.
- 5.3** The panel may exclude from the whole or any part of a hearing, any person whose conduct, in the opinion of the panel, has disrupted (or is likely to disrupt) the hearing.
- 5.4** Where good cause is shown, the panel may adopt such measures as it considers necessary to enable the Respondent or his/her representative to appear at, and participate in, the hearing. These measures may include, but are not limited to, the use of video links; telephone conferencing; and the use of interpreters.
- 5.5** Where the Respondent is neither present nor represented at the hearing without any known good cause, the panel may proceed to determine the matter in his/her absence provided that they are satisfied that notice of the hearing has been duly served or that all reasonable efforts have been made to do so. Should the panel proceed in this way, it may conduct hearing proceedings as it sees fit.
- 5.6** Following the general introduction to the proceedings by the Convener, and unless the panel considers it more suitable to the hearing of the case to conduct matters differently, the order of hearing proceedings will be as follows:
- (a) the Convener will ask the parties present, or their representatives, to identify themselves;
  - (b) the Convener or Servicing Officer of the panel will outline the case [and may ask that copies of the documents relating to the Respondent be taken as read];
  - (c) the Respondent (or representative) will make his/her submission;
  - (d) the panel will be invited to question the Respondent;
  - (e) where the panel see fit, the panel will seek information from any other person and will question them accordingly;
  - (f) the Respondent (or representative) will be invited to provide any concluding remarks;
  - (g) any Legal Assessor participating in proceedings will be invited to provide the panel/committee with advice on any applicable law or procedure;
  - (h) the panel will make their decision; and
  - (i) the decision will be announced to those present.
- 5.7** Hearing proceedings may be adjourned, and the panel may consider matters in private, at any time.
- 5.8** In any such private session, only the Servicing Officer, any appointed Legal Assessor and members of the panel may be present. The Servicing Officer and Legal Assessor will not take part in any decision making. Any procedural (or other) advice provided by the Servicing Officer and/or Legal Assessor will be repeated in the resumed hearing session.
- 5.9** The panel may itself, or upon the application of any party, postpone a hearing provided that there is good cause for so doing.

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**5.10** The Respondent will be informed as soon as reasonably practicable when a hearing will be resumed or will be notified of a re-scheduled date.

**5.11** Hearing proceedings will be recorded. In the event of an appeal of a panel decision, the record of the proceedings will be transcribed and made available on request. The transcript may be made available on request in any other circumstances where good cause is shown and payment made to cover reasonable expenses.

## **6 Decision**

**6.1** Where appropriate in the particular case circumstances with reference to the relevant criteria set out elsewhere in these Rules, the panel may:

- (a) Grant full registration in part or parts of the Register;
- (b) Grant or continue provisional or provisional (conditional) registration in part or parts of the Register;
- (c) Grant or renew professional recognition;
- (d) Cancel provisional or provisional (conditional) registration;
- (e) Cancel professional recognition;
- (f) Grant an extension to a period of probationary service (or uphold such a recommendation);
- (g) Refuse an application for registration (including for restoration to the Register) in whole or in part; or
- (h) Refuse an application for professional recognition.

Where the panel:

- (a) refuses an application for restoration to the Register;
- (b) refuses an application for professional recognition; or
- (c) cancels professional recognition,

it may also direct that the person be prohibited from submitting a second or subsequent application within a specified period of time (which will be not less than one year from the date of the panel decision).

**6.2** Notice of the decision of the panel (including reasons for that decision and confirmation of any right of appeal) will be sent in writing to the Respondent within 14 days of the date on which his/her case was considered.

## **7 Appeals**

### **7.1 Court of Session**

A Respondent will have the right to appeal to Scotland's Court of Session where a decision has been made by the panel to:

- (a) refuse an application for registration and not enter his/her name on the Register; or
- (b) cancel his/her provisional registration.

Any such appeal must be made within 28 days of the date of service of the notice of the decision.

### **7.2 Appeals Board**

The Respondent will have the right to appeal to the Appeals Board where a decision has been made by the panel that does not fall under paragraph 7.1 above and there are grounds to appeal that decision in terms of the panel having either:

- (a) failed to act in accordance with these Rules; or
- (b) made a material error in law or in fact,

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that has had a significant impact on the decision made.

Any such appeal must specify the grounds of the appeal and be made within 28 days of the date of service of the notice of the decision.

## **8 Appeals Board Referrals**

- 8.1** Where an appeal against a decision of the panel in terms of paragraph 7.2 above is upheld in whole or in part by the Appeals Board and been referred back to the panel for re-consideration in accordance with this schedule, the panel will do so in accordance with that decision and any direction that may be given.





*GTC Scotland aims to promote equality and diversity in all its activities*

## GTC Scotland

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INVESTORS IN PEOPLE  
Scotland

## Direct weblinks

### Main site:

[www.gtcs.org.uk](http://www.gtcs.org.uk)

### Probation department:

[www.gtcs.org.uk/probation](http://www.gtcs.org.uk/probation)

### Probation site for teachers:

[www.probationerteacherscotland.org.uk](http://www.probationerteacherscotland.org.uk)

### Registration department:

[www.gtcs.org.uk/registration](http://www.gtcs.org.uk/registration)

### Chartered teachers:

[www.gtcs.org.uk/charteredteacher](http://www.gtcs.org.uk/charteredteacher)

### Professional recognition:

[www.gtcs.org.uk/professionalrecognition](http://www.gtcs.org.uk/professionalrecognition)

### Professional conduct:

[www.gtcs.org.uk/professionalconduct](http://www.gtcs.org.uk/professionalconduct)

### Research:

[www.gtcs.org.uk/research](http://www.gtcs.org.uk/research)

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